

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Stephen A. Smith et al.

Application No.: 10/676,807  
Confirmation No.: 3085  
Filed On: October 1, 2003

For: Ergonomic Disposable Cup Having Improved  
Structural Integrity

Examiner: Stephen J. Castellano  
Art Unit: 3781

**SUMMARY OF INTERVIEW DATED JANUARY 16, 2007**

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a Summary of the Interview held with Examiner Castellano on January 16, 2007, submitted in response to the Interview Summary mailed on January 24, 2007. A deadline for filing this Summary was set at the longer of one (1) month or thirty (30) days from the mailing date of the Interview Summary. Accordingly, the present Summary is timely filed.

Please charge any necessary fees to Deposit Account No. 19-0733.

**SUMMARY OF INTERVIEW**


Examiner Castellano conducted a telephone interview with Applicants' attorneys Bradley F. Rademaker and Gregory G. Schlenz on January 16, 2007. Applicants and their attorneys thank Examiner Castellano for his time in conducting the Interview.

In the interview, the Examiner's rejection of pending claim 1 over the Hawley and Edwards references was discussed. The Examiner agreed that claim 1 and dependent claims 4-14 were not obvious in view of Hawley and Edwards, and the Examiner agreed to withdraw the rejections. The obviousness-type double patenting rejections of the claims over Applicants' design patents was also discussed. No agreement was reached regarding the double patenting rejections. Applicants' attorneys presented arguments against the double patenting rejections over Applicants' design patents, including that two-way obviousness must be established in the context of double patenting with respect to utility vs. design patents and could not be established in this case. Potential use of evidence of secondary considerations, including evidence of copying of Applicants' invention, was also discussed.

Respectfully submitted,

Dated: February 23, 2007

By: \_\_\_\_\_

  
Gregory G. Schlenz, Reg. No. 55,597  
BANNER & WITCOFF, LTD.  
10 South Wacker Drive - 3000  
Chicago, Illinois 60606  
312-463-5000